

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

March 9, 2021

1:31 p.m.

**MEMBERS PRESENT**

Senator David Wilson, Chair  
Senator Shelley Hughes, Vice Chair  
Senator Lora Reinbold  
Senator Tom Begich

**MEMBERS ABSENT**

Senator Mia Costello

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

State Medical Board  
Steve Parker - Palmer

- ADVANCED

SENATE BILL NO. 91

"An Act relating to the duties of the commissioner of corrections; relating to the detention of minors; relating to minors subject to adult courts; relating to the placement of minors in adult correctional facilities; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 91

SHORT TITLE: DETENTION OF MINORS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/22/21	(S)	READ THE FIRST TIME - REFERRALS
02/22/21	(S)	HSS, STA
03/09/21	(S)	HSS AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

STEVE PARKER, M.D., Appointee  
State Medical Board  
Palmer, Alaska

**POSITION STATEMENT:** Testified as the governor's appointee to the State Medical Board.

TRACY DOMPELING, Director  
Division of Juvenile Justice  
Department of Health and Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 91 on behalf of Senate Rules by request of the governor.

MATT DAVIDSON, Social Services Program Officer  
Division of Juvenile Justice  
Department of Health and Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional for SB 91.

NANCY MEADE, General Counsel  
Alaska Court System  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions about SB 91.

AMY GORN, Chair, Alaska Juvenile Advisory Committee  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in favor of SB 91.

#### **ACTION NARRATIVE**

[1:31:20 PM](#)

**CHAIR DAVID WILSON** called the Senate Health and Social Services Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Hughes, Reinbold, Begich, and Chair Wilson.

#### **CONFIRMATION HEARING(S)** **State Medical Board**

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**CHAIR WILSON** announced the consideration of the governor's appointee to the State Medical Board. He called on Dr. Parker.

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**STEVE PARKER, M.D., Appointee, State Medical Board, Palmer, Alaska,** said he has been a private physician in Palmer for 12

years. He served in the military for 10 years. His interest in the medical board is that he wants to protect patients from poor practices, help physicians improve their care, and protect colleagues from bureaucratic overreach. Without a reasoned and measured approach, Alaska can become an undesirable place for the specialists the state desperately needs. He has had exposure to medicine at various levels and with various leadership roles. He has served on many committees with similar goals to the medical board. He already has one year of experience on the board.

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SENATOR REINBOLD asked him why he thought he was chosen and why does he want to serve.

DR. PARKER answered that not a lot of other people volunteer to serve. The main reason he wants to serve is that he has noticed practices within Alaska the community that concern him. He also wants to protect colleagues. The medical board can be problematic as far as making practice in Alaska undesirable. He wants to make sure the medical board is fair, reasoned, and equitable.

SENATOR REINBOLD answered she appreciated the answer. She asked how the state could improve handling the COVID disaster with limited impact on people while always protecting constitutional rights.

DR. PARKER replied that people at greatest risk should be protected and everyone else should use their best judgement to manage things. The best way to handle that is to educate the public on the most useful ways to protect themselves from COVID and let each individual make the best decision. That is the only way to handle things in an open and free society.

SENATOR REINBOLD said that is an outstanding answer. That is what the Great Barrington Declaration discusses. Constitutional rights are of utmost importance. She thanked him for opening Capstone Clinic in Eagle River. She supports the repeal of the Certificate of Need because Eagle River needs an emergency room. The chair is sponsoring that. She said that Dr. Parker noted that he is continuing to run an independent family practice that is HIPAA (Health Insurance Portability and Accountability Act) compliant. She asked him to explain what HIPAA-compliant means.

DR. PARKER explained that it means that he doesn't discuss patient care or patients outside of his office in any capacity.

His office protects computer resources and has multiple shields for people accessing the computer system. HIPAA is protecting patient information while being open to interacting with his colleagues and making sure they get the information they need without significant roadblocks.

SENATOR REINBOLD said then HIPAA-compliant means basically protecting patient privacy, including with computers.

DR. PARKER answered yes, but it is often forgotten that HIPAA was not meant as a way to block medical providers from interacting with each other. That is one of the misunderstandings of HIPAA.

SENATOR REINBOLD shared that her committee, Judiciary, is dealing with Senator Kiehl's curbside immunity bill. She thanked him for his willingness to serve.

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SENATOR HUGHES said that she appreciates the care he provides to the Palmer community. The committee has heard over the years about the length of time it takes for someone to become licensed. It seems to be slower than in other states. She asked him if he has any ideas on how to improve that process. She knows that things were expedited during the COVID period.

DR. PARKER answered that the board had regular weekly meetings to expedite the work, rather than having quarterly meetings. So many people applying have 30-40 medical licenses, such as the locum tenens or radiologists who are not actually practicing in Alaska. When the board is being inundated with people who have numerous licenses, it probably requires a lot of more work. He doesn't do in-the-trenches work for that, but 30-40 medical boards around the country must be contacted. Some states are recognizing other state licenses without going through the full inquiry. That will have a big benefit, hopefully in the near future.

SENATOR HUGHES said that would be reciprocity, which would have to be a statute change. She asked if the medical board has discussed that.

DR. PARKER responded that the board has only briefly discussed it. To him, that is critical in the long term.

SENATOR HUGHES said that she understands that the medical board met more often than any other board in the past year. She

thanked him for all the extra time. He is in family medicine. She asked if that is a particular seat on the board and what is the makeup of the board.

DR. PARKER said the seats are for physicians but not specific specialties. The other five positions on the board come from various specialties.

SENATOR HUGHES asked if he is the only primary care physician on the board.

DR. PARKER answered yes, although one other person is in family medicine, but she is mostly involved with pain and addiction management.

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SENATOR BEGICH asked if Dr. Parker had said that the board is working on regulations for reciprocity.

DR. PARKER answered no. It was just mentioned as something that other states are doing. The board has not discussed asking for a legislative or regulation change at this time.

SENATOR BEGICH asked if he understood that a statutory change would be required.

DR. PARKER replied yes. It has just been mentioned in passing by the board.

SENATOR BEGICH said he wanted to reinforce that the board has a lot of responsibilities and takes disciplinary action, but it cannot change the law.

DR. PARKER answered that he completely understands that. He thinks reciprocity is a great idea, but the board has not discussed it any great detail.

SENATOR BEGICH asked if Dr. Parker has given any thought to the implications for the Alaska workforce.

DR. PARKER replied no. He hasn't thought about the unintended consequences. He clarified that Senator Begich meant whether it would undermine local physicians.

SENATOR BEGICH replied yes. That means the board will consider unintended consequences and he looks forward to hearing what the board comes up with.

DR. PARKER said good debate goes on with the board. Members spend a lot of time thinking and pondering about these things. At the most, they could send a letter suggesting that this is a good idea. The group is open to questioning and reviewing things before anything is done.

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CHAIR WILSON thanked Dr. Parker for his willingness to serve. He opened public testimony and after ascertaining there was none closed public testimony. He asked for the will of the committee.

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SENATOR HUGHES stated that in accordance with AS 39.05.080, the Senate Health and Social Services Standing Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration:

State Medical Board

Steve Parker - Palmer, Alaska

She reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

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At ease

### **SB 91-DETENTION OF MINORS**

[1:51:06 PM](#)

CHAIR WILSON reconvened the meeting and announced the consideration of SENATE BILL NO. 91, "An Act relating to the duties of the commissioner of corrections; relating to the detention of minors; relating to minors subject to adult courts; relating to the placement of minors in adult correctional facilities; and providing for an effective date." He stated his intent to hear an overview of the bill and hear public testimony. He invited Director Dompeling to introduce the bill.

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TRACY DOMPELING, Director, Division of Juvenile Justice, Department of Health and Social Services (DHSS), Juneau, Alaska, said that SB 91 will bring Alaska into compliance with recent changes to the Juvenile Justice and Delinquency Prevention Act (JJJPA). The JJJPA was first enacted in 1974 and recently reauthorized in 2018. The JJJPA is the primary piece of federal legislation that guides juvenile justice practices around the country. Alaska's Division of Juvenile Justice (DJJ) lack of compliance with the JJJPA will lead to grant penalties with the division's major federal grants.

MS. DOMPELING said that SB 91 makes two changes in statute that will help bring the state into compliance. First, it will require that minors who have been waived into the adult criminal justice system be held in juvenile facilities until they reach the age of 18. Currently minors who are subject to autowavers or discretionary waivers statutes are held in adult jails and correctional facilities in the state of Alaska. Second, the bill expands the court findings that are necessary for a nondelinquent minor to be held temporarily in a secure juvenile facility. The bill is limited in scope and intentionally has no impact on the crimes or sentences of minors who are subject to waiver into the adult justice system, nor will the bill have any net fiscal impact.

MS. DOMPELING said if implemented, the bill will improve the conditions of confinement for minors who are currently held in adult facilities. Minors who are being held in Department of Corrections (DOC) facilities are usually difficult to manage there and are often held in segregation units. The bill will require the Department of Corrections and the Department of Health and Social Services (DHSS) to develop agreements about how to hold minors in DOC custody in juvenile facilities. Data provided last year by DOC identified six youth total in DOC facilities under the age of 18, so it is a small number of youth.

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MS. DOMPELING said the second change in the bill deals with limited circumstances under which nondelinquent minors may be held temporarily in secure juvenile justice facilities pending another placement. These situations are very rare. They generally involve minors in the custody of the Office of Children's Services (OCS) who are chronic runaways from placement and put themselves in dangerous situations. In those circumstances the state seeks a court finding under the existing statute, AS 47.10.141, that allows these youth to be held

securely for a short period of time, pending placement in another, nonsecure setting. The new federal JJDPa expands the court findings necessary to hold those minors and further limits the duration of a secure hold. These are very rare cases. During the last three fiscal years, there were three youth held in DJJ facilities under these types of circumstances each year. DJJ appreciates the governor's support on this important legislation and the cooperation of the Department of Corrections, Department of Public Safety, and Department of Law with the development of this proposal. Since the introduction, the division has received good feedback from the court system and other stakeholders that the division hopes to address during the process.

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MATT DAVIDSON, Social Services Program Officer, Division of Juvenile Justice, Department of Health and Social Services (DHSS), Juneau, Alaska, said that SB 91 is a tightly tailored bill. The three major elements are a minor amendment to DOC statute, and two sections that address child protection statute, and then the rest of the bill is mostly conforming changes to delinquency statutes to allow the division to handle minors who aren't generally delinquents but are considered to be part of the adult court system, not the delinquency system. He presented the sectional analysis:

Section 1: Amends AS 33.30.011(a) Duties of commissioner to expand the duties of the Commissioner of the Department of Corrections to enter into agreements with the Department of Health and Social Services for the detention and care of minors who are waived into the adult criminal justice system.

MR. DAVIDSON said Sections 2 and 3 deal with nondelinquent minors and expands the court findings limits on when nondelinquents can be held in secure juvenile facilities.

Section 2: Amends AS 47.10.141(c) Runaway and missing minors to reference a new subsection that adds new requirements for court findings related to holding non-delinquent minors in secure juvenile facilities.

Section 3: Amends AS 47.10.141 Runaway and missing minors to add a new subsection to include expanded requirements for court findings before a non-delinquent minor can be held in a secure juvenile facility.



Section 4: Amends AS 47.12.020 Jurisdiction to add a new subsection related to the jurisdiction of the Division of Juvenile Justice to detain and care for minors under Department of Corrections custody.

Section 5: Amends AS 47.12.022 Applicability; inclusion of certain persons as minors to make conforming amendments to include minors subject to the adult court processes in the definition of "minor" in delinquency statute.

Section 6: Amends AS 47.12.030(a) Provisions inapplicable to add a reference to the "autowaiver" statute the new practice of holding minors subject to adult court proceedings in secure juvenile facilities. The section also includes the term "transported" to the adult processes that apply to waived minors to reflect current practices.

Section 7: Amends AS 47.12.100(a) Waiver of jurisdiction to add a reference to the "discretionary waiver" statute the new practice of holding of minor offenders subject to adult court proceedings in secure juvenile facilities. The section also includes the list of adult court practices that apply to these offenders.

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MR. DAVIDSON said the meat of the bill and what receives the most attention is Section 8, which deals with minors who have been waived to adult court and the duty to hold them in juvenile facilities until age 18. The section also includes the limited circumstances and processes under which the department would seek a waiver from rule. These cases will be rare. The division believes it can handle most of these minors in its facilities until they are 18. The exceptions to the rule were allowed under the federal act and included in this bill.

Section 8: Adds a new section 47.12.105 Minor offenders subject to adult court to describe the process, requirement, and exceptions for holding minor offenders in the custody of the Department of Corrections in secure Division of Juvenile Justice facilities until age 18. This section also describes the court process and findings that may allow for minors to be held in adult facilities in certain circumstances.

Section 9: Amends AS 47.12.150(a) Legal custody, guardianship, and residual parental rights and responsibilities to make conforming changes to clarify that minors in the custody of the Department of Corrections detained in Division of Juvenile Justice facilities are subject to the same residual parental rights as other minor offenders.

Section 10: Amends AS 47.12.160(e) Retention of jurisdiction over minor to make conforming changes to the dual sentencing provisions.

Section 11: Amends AS 47.12.240(a) Detention of minors to make conforming changes.

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MR. DAVIDSON said that most of 47.12 deals with delinquent minors. These minors are not considered delinquent. They are subject to adult court processes, and they will be temporarily held in DJJ facilities until their 18th birthday. The division felt it was important to recognize that throughout the delinquency statute. This is a special class of minors that hasn't been considered except for in the waiver statute.

Sections 12-13: Amends AS 47.12.250(a) Temporary Detention and Detention Hearing to make conforming changes.

Section 14: Amends AS 47.12.310(a) Agency Records to apply the same confidentiality requirements for information about waived minors as other minors served by the Division of Juvenile Justice, unless otherwise allowed by statute.

MR. DAVIDSON said information will be shared with DOC because the minors will be turned over to DOC custody after they turn 18.

Section 15: Amends AS 47.12.310(b) Agency Records to specifically allow information sharing between the Division of Juvenile Justice and the Department of Corrections about former juvenile offenders and minors in DOC custody held in secure juvenile facilities until age 18.

Section 16: Repeals sections for conforming purposes.

Section 17: Applicability clause applies to minors in Department of Corrections custody on or after the effective date.

Section 18: Revisor's instructions.

Section 19: Special effective date clause. This Act takes effect on July 1, 2021.

MR. DAVIDSON said the effective date of July 1, 2021, will help the division be in compliance with federal law.

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CHAIR WILSON clarified that regarding Section 3 and runaway and missing minors, Mr. Davidson said that applies to a low number of minors. Chair Wilson asked if that is because of DJJ nonsecure, 24-hour holds in various communities.

MS. DOMPELING replied that the division has those options for secure holds, but these are special, high-needs youth in OCS. OCS can place them in a nonsecure setting anyway with or without the nonattendant shelter bed. These are kids who will not remain in a placement. This gives OCS a limited time to keep them in a safe place until OCS finds a new option for them.

CHAIR WILSON asked how many children this would apply to. He asked about the possibility of getting a five-to-ten year lookback at how many children went through the autowavier and discretionary waiver.

MS. DOMPELING said she will try to give him some good numbers. DOC would provide the best numbers about how many people were held. The issue with being able to provide numbers of total youth charged as adults is that it is not necessarily in DJJ's management information system. In the past, when DJJ was looking at this issue, it was a combination of court records, juvenile justice records, and some coordination with DOC.

CHAIR WILSON said he wanted the best guesstimate about how many youth might be in these circumstances. That information could be helpful to the committee.

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SENATOR REINBOLD noted that the bill was introduced on February 22 and the fiscal notes were ready. She has not seen that in recent days. She liked that the bill is trying to honor and

respect parental rights. If she understands this bill correctly, the division basically wants youth in youth facilities. One facility is unfinished at this time. She asked if that is an issue or is the bill just about conforming to a law at the federal level.

MS. DOMPELING replied that it is just about conforming at the federal level.

SENATOR REINBOLD said that the division had said something about protecting the privacy of patients, the juveniles. She asked if the division has to comply with HIPAA (Health Insurance Portability and Accountability Act) or do the minors lose those rights in these facilities.

MS. DOMPELING answered the division does have to comply with HIPAA.

SENATOR REINBOLD asked what type of federal grants would be lost without the changes in the bill.

MS. DOMPELING replied that it specifically impacts the division's Title II grant. In federal FY20, that grant was \$424,752. When a state is not in compliances with one of the core mandates from JJDPa, the state receives a penalty of \$20,000 off the top. For Alaska, that is about \$85,000. The state is required to use 50 percent of the remaining grant award to get into compliance with that particular core mandate, so the state would then be required to use \$170,000 to get in compliance. One of the concerns about the grant is that the division is very general fund heavy. This is a small portion of the division's grant funds, but what the division can do with the grant funds is what it cannot do with other funds, which is prevention activities to hopefully keep kids out of detention units. The grant also supports nonattendant care shelter bed grants for placement of youth who may have committed a crime that don't necessarily meet the statutory requirement to be in detention. It keeps those lower-risk youth out of detention facilities with less restrictive alternatives. The concern is that the little bit the division can do for prevention activities will impact the state if the division cannot do that.

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SENATOR REINBOLD said she wants to make sure that this has nothing to do with the executive branch mandates regarding COVID. She needs to make sure of that because she wants to protect constitutional liberties, even among detained youth.

Those detained now should have the ability to see their families. She noted that the sectional analysis was well done.

CHAIR WILSON said he also appreciates people who do not just read the sectional analysis.

MS. DOMPELING replied that there is no involvement with COVID. The reauthorization occurred in December of 2018. The division knew this change would need to be made.

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SENATOR HUGHES shared that this is a new area for her. She understands the main idea is to get into compliance with the federal requirements. She asked if there is anything in the bill that is not related to compliance with the federal law.

MR. DAVIDSON answered that DJJ has another bill that is the omnibus, fix-the-statute bill. That is SB 99. The Senate has two juvenile justice bills this year. This bill is closely tailored just to bring DJJ into compliance. The reason for the number of sections is just to fix delinquency statutes to allow for the holding of nondelinquents in DJJ facilities and allow the division to manage them appropriately.

SENATOR HUGHES said that Ms. Dompeling mentioned that the bill will limit the temporary holding of nondelinquents, the runaways, to up to seven days. She asked what the hold times have been in the past for nondelinquent youth.

MS. DOMPELING answered that in federal FY20, with the three instances of youth being held, one was 25 hours, another was 50 hours, and another was 40. In federal FY19, one was 24, a second 24, and another was 40. In federal FY18, one was 25 hours, one was 74 hours, and one was 761 hours.

SENATOR HUGHES observed that it seemed that the division will not have too much trouble complying. Without a limit, it doesn't push anyone to resolve the problem as quickly. She is glad to hear that it seems the division was pushing to get the minors into a better arrangement.

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SENATOR BEGICH said that the JJDPa was amended by the Juvenile Justice Reform Act in 2018. These seem to be comporting elements. There doesn't seem to be much else in here except for one exception. On page 7, line 22, in the new subsection that

Mr. Davidson said would cause the most questions, it says, "A minor shall be transferred to a facility operated by the Department of Corrections when the minor turns 18 years of age." When a minor turns 18 under current state law, the minor can chose to stay in DJJ custody until the age of 20. That is because of the services that can be provided to a minor until the age of 20. Those services are limited in the adult correction system. When minors finish their sentences, they come back into the community. The state wants to do its best to rehabilitate them. He asked if it is is federal law that it says "a minor shall be transferred" and if it is required, does that negate the minor's ability to stay in the DJJ jurisdiction up to 20.

MS. DOMPELING replied that she does not believe that it requires the division to move a juvenile at age 18. She may need to get back on the specifics of that.

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SENATOR BEGICH said the words in the bill are "A minor shall be transferred to a facility operated by the Department of Corrections when the minor turns 18 years of age." That is very specific to an age and specific to shall language. That is why he is concerned. It takes the division ability to work with a minor until the age of 20 away.

MR. DAVIDSON said that section as drafted has caused confusion. The intent is a minor subject to this section. In the other body that was flagged and the division is working to fix that. The intent is not to change of the age of DJJ jurisdiction. This is just for minors who are subject to waiver and who will be transferred from a DJJ facility to a DOC facility at age 18. It is only for the minors waived to the adult court. They will be held in DOC facilities starting at age 18. It is not delinquent minors who are covered by delinquency statutes.

SENATOR BEGICH said it sounds like that language needs to be amended. He asked if the chair would object to Senator Begich working with DJJ on the language that may be needed there.

CHAIR WILSON asked if the department has language ready for an amendment for consideration by the committee.

MR. DAVIDSON replied yes. The division has an amendment that has been drafted by Legislative Legal that will be under consideration tomorrow in the other body.

CHAIR WILSON asked him to please forward that to his office to be shared with committee members.

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SENATOR BEGICH said that page 8, lines 16 and 17, has the opposite problem. He didn't think the phrase "minor expressly waives this limitation" is in federal law. If it is, if minors are in an adult correctional system and are making the choice to expressly waive the ability to be removed from the adult system, the bill is giving them the power to do so. A minor exposed to the correctional system and choosing to stay in the correctional system, which has far fewer opportunities for reform or reformation or other kinds of things to improve lives, that decision by virtue of the nature of the jurisdiction might not be the healthiest choice made by a minor. He asked if "minor expressly waives this limitation" is part of federal law or is it a policy change that doesn't need to be there.

MR. DAVIDSON responded that language about exceptions to those rules in Section 9 is from the federal law. Page 8, line 14, is a minor that the department has requested be moved to an adult facility rather than a juvenile facility and a court has made a finding every 30 days that the minor should remain in an adult facility and not be moved to a juvenile facility. This is someone subject to the autowaiver who is 16 or 17. The federal law says that at 180 days, a judge must make another finding and must have good cause for an extension and the minor must agree to that exception and remain in an adult facility. The division mirrored that federal language in the bill. The 180 days and the court process every 30 days is required by the act. The division could remove the allowance for beyond 180 days and be more stringent about minors held in adult facilities, but having the expressly waived language would be required if the bill allowed for extensions beyond 180 days.

SENATOR BEGICH said Mr. Davidson described it in a way that makes Senator Begich more comfortable with it. Mr. Davidson said the extension requires both the judge and the minor to agree to it.

MR. DAVIDSON replied that that was his understanding.

SENATOR BEGICH said to let him think about the language and make sure it does what Mr. Davidson says it does. He thinks that that is right, but he needs to think about that for a little bit.



SENATOR HUGHES asked if the word "or" on line 16 should be the word "and."

SENATOR BEGICH said that she might be right. He will report back to the chair about his thoughts on that. When the Juvenile Justice Reform Act passed, it wasn't only changing the laws reflected in this bill. There are other elements he hopes the committee will have an opportunity to talk about regarding the division progress. He is encouraged to see this bill. The DJJ has done a great job capturing what the federal act intended to do. He looks forward to moving this out of committee.

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SENATOR HUGHES said to go back to page 8, she asked why a minor would be waiving that limitation and not a parent or guardian.

MS. DOMPELING responded that is a good question. This is from federal language. That is something to consider. In that Section 2, lines 14-16, she sees that 180 days is six months that the department has gone back to court to discuss findings for that juvenile to still be held in an adult facility and not count as a penalty toward Alaska. She sees that as a little bit of a reprieve for the court. If the behaviors and reasons are still in existence for six months, does there need to be a hearing every 30 days from that point. Everyone is hopeful that this will not happen often. She and Mr. Davidson have said in the past that with the skills of staff working with adolescents, that they are able to manage most of these kids. When the division worked with Oregon Youth Authority in March, she asked them about how they handle this. They said this section is a relief valve. In certain circumstances, Oregon has had youth in its system who were unable to be managed in the juvenile detention milieu and Oregon needed the relief to move that youth to an adult correctional facility. She sees this as a little bit of reprieve for the court after six months of going back and hearing the same evidentiary hearing about why the youth should remain in the adult system. That is a good question about the parent and whether the parent or minor can consent.

SENATOR HUGHES said that to go back to page 7, about the 18-year-old "shall be," and that would only apply to offenders subject to adult court. She is assuming that these crimes the youth committed are severe yet at the same time they are young and will have life left to live when released after 20-30 years. She believes that when those offenders are released, the legislature wants to make sure that they are in the best shape possible so that communities are safer when they get out. She is



concerned about these offenders who have committed serious crimes and tried in adult court. Now they will be without juvenile services. She would hope that DOC would have opportunities for inmates to have an education and opportunities in the adult system to make up for what they would receive in the juvenile system. She asked if there has been any discussion of that because these youth will be back on the street. If the state can give them the opportunity to turn their lives around, the state needs to do it so they won't recommit crimes.

MS. DOMPELING said that she cannot speak for the Department of Corrections. There is an alternative school in Anchorage called New Path High School. The principal at the McLaughlin Youth Center oversees both schools. That is available to individuals up to their 24th birthday. There are educational opportunities available with DOC up to age 24.

SENATOR HUGHES asked if there are statutes requiring services be provided to juveniles up to age 20.

MS. DOMPELING replied that is required by statute for youth who fall under the delinquency statute. It is not for the automatic waiver youth. DJJ is responsible for the care of those individuals in their secure facilities. That includes education.

SENATOR HUGHES asked if the committee could get a list of the services that DJJ must provide.

CHAIR WILSON asked Ms. Dompeling to provide that to his office so he would distribute that to committee members.

MS. DOMPELING answered that she would.

CHAIR WILSON asked Ms. Meade for any comments about Section 8.

2:31:15 PM

NANCY MEADE, General Counsel, Alaska Court System, Juneau, Alaska, said the court system has been discussing provisions and some changes may be coming to the committee. DJJ has been responsive to the court's concerns. She will continue to work with the division on a couple of other minor changes that would be helpful to the court system.

CHAIR WILSON asked if other than that amendment for Section 8 if any other amendments or concerns will come to the committee.

MR. DAVIDSON answered that in the other body and with Ms. Meade's help, a drafting error was identified in Section 2. He will provide that to the committee at the same time as the Section 8 amendment.

SENATOR BEGICH shared that he found in his paperwork that the JJDPa, pages 26 and 27, has that section word-for-word. As Mr. Davidson said earlier, it is literally word-for-word the same, with the exception of "juvenile" and "minor" being interspersed. DJJ may be required to have this exact language, including the "or" clause and 180 days and all those things. His sister was the former Anchorage School District principal of McLaughlin and New Path and two other alternative facilities. There are some minimal services provided. Spring Creek Correctional Center segregates the younger population and that population has access to GED and other resources until age 24 and then they are put in general population.

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CHAIR WILSON opened public testimony.

[2:35:06 PM](#)

AMY GORN, Chair, Alaska Juvenile Advisory Committee, Wasilla, Alaska, said that the Alaska Juvenile Advisory Committee (AJAC) is the state advisory group through the Juvenile Justice Delinquency and Prevention Act. State advisory groups guide the compliance of JJDPa for core mandates. AJAC also supports reducing and preventing juvenile crime while ensuring that Alaska youth are provided meaningful opportunities to succeed. DJJ is in compliance with the critical requirements with the federal legislation. SB 91 is addressing an update to one of these core mandates. The sight and sound separation of juvenile and adult offenders must now include youth awaiting trial as adults. The JJDPa was reauthorized by Congress in 2018. It is important to AJAC that Alaska remain in compliance with federal legislation. The proposed agreement and coordination between DJJ and DOC as presented in SB 91 will fulfill this requirement and more importantly, improve the safety of minor offenders, prevent the segregation of juveniles and their possible isolation, and may positively impact recidivism as research shows a lower likelihood of minors reoffending when remaining in juvenile justice custody. AJAC is in support of SB 91.

[2:37:20 PM](#)

CHAIR WILSON closed public testimony.

SENATOR REINBOLD said this is one of the most organized bills she has seen. The fiscal notes were there. She liked the

presentation of the sectional. They were clear with concerns and forthcoming amendment. She was impressed.

SENATOR BEGICH said he wanted to echo Senator Reinbold's comments and he takes enormous pride that he was employed by DJJ and was chair of AJAC. He could not be prouder of the group of people working in the division.

[2:38:32 PM](#)

CHAIR WILSON said he loves the folks in the Mat-Su. He held SB 91 in committee and will await amendments from the division.

[2:39:37 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 2:39 p.m.